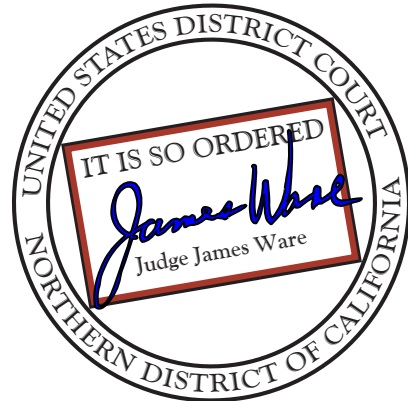


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9 SANTANA ROW HOTEL PARTNERS, L.P.



10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 SANTANA ROW HOTEL PARTNERS,
14 L.P.,

15 Plaintiff,

16 v.

17 ZURICH AMERICAN INSURANCE
18 COMPANY, GALLAGHER-PIPINO,
19 INC., and ARTHUR J. GALLAGHER
20 & CO., et al.,

21 Defendants.

Case No. C05 00198 JW

22 **STIPULATION AND [PROPOSED]**
23 **ORDER CONTINUING HEARING ON**
24 **DEFENDANTS GALLAGHER-PIPINO,**
25 **INC. AND ARTHUR J. GALLAGHER &**
26 **CO.'S MOTION FOR SUMMARY**
27 **JUDGMENT, OR IN THE**
28 **ALTERNATIVE, PARTIAL SUMMARY**
JUDGMENT

Current Hearing Date: January 22, 2007
Time: 9:00 a.m.
Courtroom 8
Honorable James Ware

Trial Date: None Set

STIPULATION

22 WHEREAS defendants GALLAGHER-PIPINO, INC. and ARTHUR J.
23 GALLAGHER & CO. (collective the "Gallagher Defendants") filed a Motion for Summary
24 Judgment, or in the Alternative, Partial Summary Judgment against plaintiff Santana Row
25 Hotel Partners, L.P. ("Plaintiff"), on December 15, 2006;

26 WHEREAS the Gallagher Defendants have noticed the hearing on said motion for
27 January 22, 2007;

28 WHEREAS pursuant to Civil Local Rule 7-3(a), Plaintiff's opposition to said motion

1 is due on January 1, 2007;

2 WHEREAS counsel for Plaintiff, Steven A. Ellenberg, Esq., is currently on vacation
3 until Tuesday, December 26, 2006, six (6) days before Plaintiff's opposition papers are due;

4 IT IS HEREBY STIPULATED AND AGREED that the hearing on the Gallagher
5 Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary
6 Judgment be CONTINUED from January 22, 2007 to February 12, 2007, at 9:00 a.m., or
7 such subsequent date as the Court may set.

8 IT IS SO STIPULATED.

9 RUBY & SCHOFIELD

10
11 Dated: December 20, 2006

By: 

12 ANNE-MARIE WAGGONER
13 Attorneys for Plaintiff
14 SANTANA ROW HOTEL PARTNERS L.P.

15 SELVIN WRAITH HALMANN LLP

16 Dated: December __, 2006

By: _____

17 GARY R. SELVIN
18 Attorneys for Defendants
19 GALLAGHER-PIPINO, INC. and
20 ARTHUR J. GALLAGHER & CO.

21 **ORDER**

22 Pursuant to the foregoing stipulation, IT IS ORDERED that the hearing on
23 Defendants GALLAGHER-PIPINO, INC. and ARTHUR J. GALLAGHER & CO.'s Motion
24 for Summary Judgment, or in the Alternative, Partial Summary Judgment, filed December
25 15, 2006, is CONTINUED from January 22, 2007 to February 12, 2007, at 9:00 a.m.

26 IT IS SO ORDERED.

27 Dated: December __, 2006

28 _____
THE HONORABLE JAMES WARE

1 is due on January 1, 2007;

2 WHEREAS counsel for Plaintiff, Steven A. Ellenberg, Esq., is currently on vacation
3 until Tuesday, December 26, 2006, six (6) days before Plaintiff's opposition papers are due;

4 IT IS HEREBY STIPULATED AND AGREED that the hearing on the Gallagher
5 Defendants' Motion for Summary Judgment, or in the Alternative, Partial Summary
6 Judgment be CONTINUED from January 22, 2007 to February 12, 2007, at 9:00 a.m., or
7 such subsequent date as the Court may set.

8 IT IS SO STIPULATED.

9 RUBY & SCHOFIELD

10
11 Dated: December 20, 2006

By: _____

12 ANNE-MARIE WAGGONER
13 Attorneys for Plaintiff
14 SANTANA ROW HOTEL PARTNERS L.P.

15 SELVIN WRAITH HALMANN LLP

16 Dated: December 21, 2006

17 By: _____

18 GARY R. SELVIN
19 Attorneys for Defendants
20 GALLAGHER-PIPINO, INC. and
ARTHUR J. GALLAGHER & CO.

21 **ORDER**

22 Pursuant to the foregoing stipulation, IT IS ORDERED that the hearing on
23 Defendants GALLAGHER-PIPINO, INC. and ARTHUR J. GALLAGHER & CO.'s Motion
24 for Summary Judgment, or in the Alternative, Partial Summary Judgment, filed December
25 15, 2006, is CONTINUED from January 22, 2007 to February 12, 2007, at 9:00 a.m.

26 IT IS SO ORDERED.

27 Dated: December 27, 2006

28 
THE HONORABLE JAMES WARE